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**IMPLEMENTATION REPORT
of the
DEPARTMENT OF ENVIRONMENTAL QUALITY
for the
ENVIRONMENTAL ADVISORY COUNCIL
RECOMMENDATIONS TO IMPROVE PUBLIC INVOLVEMENT**

August, 2004

This report describes activities completed by the Department of Environmental Quality (DEQ) to implement recommendations of the Environmental Advisory Council (EAC) to improve public involvement in DEQ activities. The recommendations were adopted in February, 2004. This report is formatted by specific recommendation of the EAC. The full DEQ Fiscal Year (FY) 2004 Implementation Plan, listing the schedule of all planned activities, is also available.

Additional actions in the FY 2004 Implementation Plan are underway. The DEQ is also developing a FY 2005 Implementation Plan of continuing actions to improve public involvement.

Recommendations

A. The culture of public involvement

1. The DEQ should enhance its efforts to train staff on how to work with the public, communication skills, conflict resolution, and public meeting facilitation. The DEQ should also consider employing specialists who can bring experience and expertise to these activities.

Director Steven Chester has issued model language for use in public forums to describe roles and responsibilities. Each division is providing guidance to staff on use of the model language. (June, 2004)

An e-mail was sent to all DEQ staff notifying them of the web site that lists available civil service training classes, and reminding them of e-learning opportunities. It also listed the training liaisons for registration purposes. (July, 2004)

2. DEQ management should recognize the value of staff participation in a professional capacity as members of professional organizations and in environmental projects in their local communities. Staff should also feel enabled to be visible in their community in a personal capacity, keeping in mind the need to avoid conflicts of interests or inappropriate use of authority through their affiliation with the DEQ.

Director Chester issued a memorandum to staff supporting involvement in community activity as private citizens. (April, 2004)

All divisions have catalogued associations and professional organizations to which staff belong and are supporting involvement through means such as use of work hours for membership activities. (June, 2004)

3. The DEQ should invest in developing and fostering awareness among its staff that there is value in bringing multiple perspectives to bear when examining an issue. Staff should recognize that the public may have important local knowledge and valid technical or non-technical concerns related to the issue at hand.

Staff from all divisions have attended and/or are making presentations at EAC meetings to observe its deliberations and interaction among disparate interests.

The DEQ sponsors a monthly “brown bag” lunch program to afford staff the opportunity to hear from and interact with other professionals in the environmental field. Recent speakers include an industry lobbyist, environmental group leader, and a member of Governor Granholm’s Washington, DC staff.

4. The DEQ should encourage leadership development among its staff and foster interaction among emerging leaders in the DEQ and organizations involved in DEQ activities.

Design recommendations for a new leadership training program were presented to and approved by the DEQ Management Team. This training, which will be developed during FY 2005, will include aspects fostering interaction among DEQ staff and interests affected by DEQ activities. (May, 2004).

B. Timing and opportunity

The DEQ undertakes a myriad of activities including promulgating administrative rules, issuing permits and other authorizations, providing education and training, conducting inspections, and undertaking enforcement actions to ensure compliance with legal requirements. Even within a specific set of activities, such as issuing permits, defining characteristics can vary by program. These characteristics include the number of applications received, the decision-making criteria, statutorily required procedures, the type of the technical information involved, the nature of public concern, and the environmental and program effects of the decision. As a result, the following recommendations are necessarily general. They are set forth as a template for DEQ program managers to use in evaluating the public involvement

components of their programs and in identifying those areas that can be best addressed to most efficiently and effectively make improvements.

1. Individual programs within the DEQ should review their decision-making processes to identify earlier opportunities for public involvement. This could include the potential for earlier notification of pending actions—such as the receipt of permit applications—and encouraging applicants to voluntarily involve the public as early in the process as feasible. The EAC recognizes that such early involvement mechanisms will not be appropriate or necessary for all decisions within a particular program. Individual programs should develop criteria to identify the types of decisions for which such mechanisms are appropriate
2. The DEQ should notify the public of pending actions or activities early enough to obtain and evaluate information, formulate and express opinions, options and suggestions prior to DEQ action. (The following actions apply to both Items 1. and 2.):

The Waste and Hazardous Materials Division (WHMD) has established its first community advisory panel associated with the corrective action responsibilities of a hazardous waste facility. One of the purposes of this panel is to provide early notification to the community of actions associated with the corrective action activities.

The Air Quality Division (AQD) is using pre-application meetings to discuss with applicants the benefits of early community involvement. In addition, the creation of the PLEDGE program establishes early notification as part of the permitting process. Further revisions to the air permitting process as the result of the Value Stream Mapping Process, scheduled to be implemented in Fall, 2004, will adopt early notification procedures. (May, 2004)

The AQD develops Fact Sheets on significant proposals and distributes staff evaluations via mail and the AQD Web site. Copies of the documents are also available at the district office, Lansing and occasionally at other locations. (May, 2004)

The Water Division (WD) has updated and improved its Web site listing of individuals and organizations applying for authorization to apply pesticides to waters of the state for mosquito control. (May, 2004)

The Web site list of active National Pollutant Discharge Elimination System (NPDES) permits and general permits is updated quarterly. The list of permits on public notice is updated daily. The public notice section includes the public notice, fact sheet, draft permit, and antidegradation demonstrations for individual permits and a pilot program for Concentrated Animal Feeding Operation (CAFO) certificates of coverage. Comments may now be submitted directly to permit processor via Internet. (May, 2004)

3. The DEQ should review and improve its mechanisms for providing notice of pending decisions, including the feasibility of individual notice to citizens directly affected by significant site-specific permit decisions. The DEQ

should review opportunities for improving distribution to the press of announcements related to important issues and decisions.

The Department Calendar Web page has been modified to inform users on how to search the calendar using the browser "find" function; this can be done by county. This will allow users to quickly and easily locate decisions or activities by geographic location. (April, 2004)

The WHMD has developed a process for direct notification of area residents for proposals to construct a hazardous waste treatment, storage, or disposal facility, or a new ("greenfield") solid waste landfill. The WHMD will begin using this process with the next qualifying application. (April, 2004)

The AQD, land and water management programs of the Geologic and Land Management Division (GLMD), WD, and WHMD are providing individual notice to citizens directly identified by site-specific decisions in identified programs. (June, 2004)

The Remediation and Redevelopment Division (RRD) is reprinting public meeting attendance record cards to include a line to print e-mail addresses for people interested in receiving project updates. A memo was sent from the assistant division chief on July 4 to section chiefs to use the RRD Web site and RRD list server to post "new" RRD public information, items, and events. (July, 2004)

Director Chester and Executive Management Team staff have met with representatives of the environmental justice community and tribal leaders and discussed improved communication and coordination. (July, 2004)

4. DEQ program managers should strive to provide meaningful public involvement opportunities appropriate for each situation considering the issues, locations, potential environmental and human health implications, potential for controversy, specific needs of the public and the DEQ, and the time frame for decision-making. For significant decisions, or when there is widespread public interest, the DEQ should use multiple approaches (e.g., meetings, hearings, workshops) for involving the public. The common element should be interaction between DEQ staff and the affected public. In conducting public forums, the DEQ should adopt specific practices that encourage interaction with the public. These include introducing staff present and allowing a small amount of time for general comments to the DEQ. Introducing staff will facilitate one-on-one communication. Allowing time for general comments will provide a new opportunity to convey information to the DEQ.

The DEQ has reinstated the use of public hearing formats in which the public can speak and place on the record their comments before all others present.

All divisions are providing public hearing opportunities for large and/or controversial projects with improved public hearing procedures. (June, 2004)

Director's forums, providing an opportunity for the public to meet and discuss issues with the DEQ Executive Division, division and district personnel, have been held in Grand Rapids and Dearborn. (June, 2004)

5. The DEQ should provide policy, program, and technical information to the public at the earliest practicable times and throughout the decision-making process. This information should be provided to enable potentially affected or interested persons to make informed and constructive contributions to decision-making. The DEQ should cooperate with and support efforts to provide general training for citizens about how to participate in DEQ decision-making processes and basic primers on common permit-related issues such as those in the air and water quality programs. The DEQ should also develop and implement mechanisms to more effectively convey information about specific proposals before the DEQ. This information should include the facts of the proposal and the opportunities for individuals to participate in the decision-making process.

The Environmental Science and Services Division (ESSD) has added public involvement paragraphs within the DEQ Permits Guidebook explaining best public input opportunities; how the public learns about the permit action; and identification of the decision-maker by job title. (May, 2004)

6. The DEQ should enhance coordination and communication with local units of government, including Native American tribes. Special attention should be paid to local governmental action acting under DEQ programs (e.g., soil erosion and sedimentation control) and in related program areas (e.g., wetland protection). Better coordination could make more efficient use of the resources of both the local unit of government and the DEQ in informing the public of proposals of local interest. The DEQ should provide early informal notification of local officials of controversial projects. Likewise, local government should be encouraged to provide early notice to the DEQ of projects that might be of interest to the DEQ. The DEQ should look for opportunities to provide general education for local officials on environmental topics, such as through training seminars sponsored by governmental associations.

The RRD has electronically distributed to local fire/police departments and local (county) emergency planning commissions a new user friendly "Responding to Vehicle-Related Releases in Michigan" flyer to make efficient use of both DEQ and local government resources when reporting and responding to such spills. (April, 2004)

The Water Division's Aquatic Nuisance Control (ANC) Program and the Michigan Township's Association have established a process to notify interested townships about pending ANC applications. (May, 2004)

The ESSD has developed a resource for use by DEQ staff in contacting interests affected by DEQ activities. This resource includes publications listing contact information for local governmental officials and others involved in governmental activities and a cataloging of mailing lists available throughout the DEQ. This resource will be posted on the DEQ intranet in September, 2004. (July, 2004)

The DEQ has organized a forum on the cleanup of abandoned scrap tire piles to be held on September 1, 2004. This forum will include county and township officials and emergency management personnel and discuss coordinated action to respond to emergencies at scrap tire sites. (August, 2004)

7. The Internet provides an excellent opportunity to improve public participation. The DEQ should make its Web page more user friendly so that people can find the information they need. In addition, the Web site should be organized to facilitate public involvement on pending proposals and decisions. The DEQ should provide electronic forms on its Web site to allow the public to submit comments and observations for DEQ consideration/action.

A redesigned and more user-friendly DEQ Web page went on on-line on Earth Day. (April, 2004) Ongoing improvements include new graphics and organizational groups that are easier to use. Important items were brought to front of page using the new "Key Topics" section, the new "Inside DEQ" section, and "News and Events" section. Division pages were created so individuals can view Web site under a division organization, instead of theme-based organization. A Laws and Rules database was developed to house all environmental laws and rules managed by DEQ. Items like Citizen Involvement, Wetland Protection, and Ozone Action were made a top Web priority by providing an icon-link to these programs on main DEQ page. (June, 2004)

RRD has posted site-specific Web pages for high profile, Detroit Lead Smelter, project. A Kingsford Web page is under development. This joins site-specific pages on the Tittabawassee River and Gelman sites. Under brownfield redevelopments, a Part 201/213 Brownfield Redevelopment Successes Web page is under development. (July, 2004)

Permit public participation documents (both prior, during, and after the decision is made), including conditions imposed on permits are currently placed on the AQD Web site. The AQD is currently working to make more information available, once the permit section database is revised. The AQD will involve stakeholders in this process. (May, 2004)

The WHMD has posted on-line a database that allows the user to access information about facilities regulated by the WHMD, including the ability to identify and track inspections conducted in WHMD programs and the results of those inspections. Development of a department-wide capability is underway. (July, 2004)

The DEQ is posting on the web background information on significant decisions and actions. Recent postings include information on the Draft Annex 2001 Implementing Agreements, Midland area dioxin contamination, litigation against confined animal feeding operations, and a discussion of improvements to the air permitting program. (July, 2004)

8. To further facilitate public understanding and involvement, the DEQ should expand and improve current programs that assist the public in navigating the DEQ decision-making process. While all DEQ employees have this responsibility to some extent, and should be responsive to members of the public needing assistance, the DEQ should consider formalizing a citizen

assistance function in some identifiable manner. This could be analogous to the small business assistance function.

The ESSD has undertaken the function of assisting the public in navigating the departmental decision-making process. This will include hands-on assistance with education and outreach for the public. All divisions have assigned individual staff to assist in navigating their decision-making processes. This information will be posted on the Web site in August, 2004. (August, 2004)

9. The DEQ should ensure that all segments of the public have fair and appropriate access to decision-makers within the DEQ and that no member of the public is favored over another.

All divisions are identifying the decision-maker for specific decisions through the DEQ calendar and for categories of decisions through general publications such as permit guidebooks. (June, 2004)

10. The DEQ should inform concerned members of the public of the findings and rationale behind decisions. The nature of how this information is provided can be tailored to the nature of the decision, and the number and identity of concerned parties.

All regulatory divisions are distributing a notice of significant decisions on specific facilities or projects to all persons on the facility or project mailing list who have indicated an interest in being notified of the decision.

11. The DEQ should develop and implement a process for notifying the public of contested cases and proposed settlements in contested case proceedings.

The DEQ has developed a draft process applicable to contested cases in the land and water programs of the GLMD, which are those of most interest to the public. This draft is under discussion with stakeholders. (July, 2004)